THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32(2) (b)

Description of Case

No. 453 of 2003 (M/S) decide on 25/9/2003

Jagdish Kumar Vs Addl. District Judge, Dehradun and another.

A.F.R. (Approved for Reporting)

~~Not approved for reporting~~

Date :- 25.09.2003 Initials of Judge

Note :- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.453 of 2003 (MS)

Jagdish Kumar son of Sri Mehar Chand
3/2 Tyagi Road, Dehradun. …… Petitioner

Versus

1. Addl. District Judge, Dehradun
2. Sardar Jagjeet Singh Anand
   S/O Sardar Anant Singh Anand
   88-D, Race Course, Dehradun …… Respondents

Sri Ramji Srivastava, Advocate for the petitioner
Standing Counsel for the respondent no.1

Dated: September 25, 2003

Hon'ble Rajesh Tandon J.

Present writ petition has been filed praying for a writ or direction commanding the 2nd Additional District Judge, Dehradun to decide the Rent Control Appeal No. 95 of 1995 Sardar Jagjeet Singh Anand vs. Jagdish Kumar.

The petitioner has filed an application on 18.4.1994 for release of the accommodation under section 21 (1)(a) of U.P. Act NO.13 of 1972. The application was allowed by the Prescribed Authority on 13.6.1995 against which an appeal has been preferred by the tenant defendant in the Court of 2nd Additional District Judge, Dehradun being Rent Control Appeal No. 95 of 1995. Counsel for the petitioner has stated that the appeal is still pending before the appellate Court.

From the copy of the order sheet it will appear that the appeal was admitted on 26.6.1995. Act No.13 of 1972 was enacted for

speedy disposal of the cases. Earlier Act No.3 of 1947 was repealed because it was a lengthy procedure for getting the release of the premies.

Rule 7(7) of U.P. Act No. 13 of 1972 provides as under:

"As far as possible, a revision under section 18, shall be decided within one month, an appeal under section 10 shall be decided within two months and an appeal under section 22 shall be decided within six months from the date of its presentation."

As will appear from the aforesaid provision that the maximum time limit which has been given by the Act is only six months. In view of the above provision of law, the petitioner is directed to file an application before the District Judge, Dehradun who shall direct the Additional District Judge in whose court the appeal is pending for expediting the hearing of the appeal.

The writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

25.09.2003
Dhyani